

1 BEFORE THE NEVADA STATE BOARD OF EDUCATION

2  
3 STEVE CANAVERO,  
4 SUPERINTENDENT  
5 OF PUBLIC INSTRUCTION,  
6 DEPARTMENT OF EDUCATION, STATE  
7 OF NEVADA,

Case No. 17-02

Petitioner,

8 v.

9 CANDIA TOLBERT,

10 Respondent.

11 **STIPULATED ACCEPTANCE OF VOLUNTARY SURRENDER**  
12 **AND ORDER**

13 The Superintendent of Public Instruction, Department of Education, State of Nevada  
14 ("Petitioner"), and Candia Tolbert ("Respondent") hereby stipulate as follows:

15 1. Steve Canavero, in his official capacity as Superintendent of Public Instruction,  
16 Department of Education, State of Nevada, made and filed the Petition and  
17 Recommendation for Suspension of License, on February 27, 2017, and the Amended  
18 Petition and Recommendation for Suspension of License, on April 18, 2017, (collectively,  
19 the "Petition").  
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21 2. Respondent exercised her right to request a hearing before a hearing officer  
22 pursuant to NRS 391.355.

23 3. Respondent is the holder of License No. 70621 issued by the Superintendent  
24 of Public Instruction, Department of Education, State of Nevada, pursuant to the provisions  
25 of Chapter 391 of the NRS. Such license currently is as follows: Special K-12, Counselor  
26 and Special, K-12, Substitute and is set to expire on August 26, 2021.  
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1           4.       Petitioner agrees that nothing contained in this Stipulated Acceptance of  
2 Voluntary Surrender, of Respondent's license shall prevent Respondent from submitting a  
3 new application for licensure on or after 5 years from the effective date of this Order.

4           5.       On June 10, 2016, the Second Judicial District Court of the State of Nevada in  
5 and for Washoe County entered a Judgment, accepting Respondent's Nolo Contendere  
6 plea and convicting Respondent of the crime of Intentional Failure to Maintain Adequate  
7 Records, a gross misdemeanor.

8           6.       NRS 391.330 provides in pertinent part that the State Board of Education may  
9 revoke or suspend Respondent's license, if recommended by the Superintendent of Public  
10 Instruction, after Notice and an opportunity for a hearing upon the grounds specified in NRS  
11 391.330(2), evident unfitness for service.

12           7.       NAC 391.063 provides for the voluntary surrender of a license issued by the  
13 Superintendent of Public Instruction.

14           8.       Respondent has exercised her right to voluntarily surrender her license as set  
15 forth in NAC 391.063 by submitting a notarized statement of surrender to the Department,  
16 which is attached as exhibit 1 to this stipulation.

17           9.       NAC 391.063(4) states that the voluntary surrender of a license does not  
18 preclude the Board from hearing a complaint for disciplinary action made against the  
19 licensee, which the Superintendent exercised by filing the Petition.

20           10.      Respondent's Nolo Contendere plea and conviction of the crime of Intentional  
21 Failure to Maintain Adequate Records, is evidence of unfitness for service pursuant to NRS  
22 391.330(2). The parties make no further findings with regard to whether Respondent's Nolo  
23 Contendere plea and conviction of the crime of Intentional Failure to Maintain Adequate  
24 Records constitute grounds for discipline as set forth in NRS 391.330(1) or (4).

25           11.      Respondent is prohibited from seeking any license from the Department for a  
26 period of 5 years from the effective date of this order. Respondent may submit an  
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1 application for licensure on or after that date as if Respondent is applying for a new license  
2 or endorsement as provided in NAC 391.063.

3 12. The Department may consider Respondent's conviction for Intentional Failure  
4 to Maintain Adequate Records, entered on June 10, 2016, when considering any application  
5 for license under NRS 391.033(3)  
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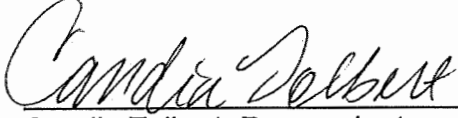
7 13. Respondent is aware of, understands, and has been advised of the effect of  
8 this Stipulated Acceptance of Voluntary Surrender and Order, which she has carefully read  
9 and fully acknowledges. No coercion has been exerted on her to enter into this Stipulated  
10 Acceptance of Voluntary Surrender. Respondent acknowledges she has a right to an  
11 attorney and that she has had the opportunity to discuss this Stipulated Acceptance of  
12 Voluntary Surrender with her attorney. She has had the opportunity to benefit, at all times,  
13 of advice from competent counsel of her choice.

14 14. Respondent is aware of her rights, including the right to a hearing on any  
15 charges and/or allegations; the right to examine witnesses who would testify against her;  
16 the right to present evidence in her favor and call witnesses on her behalf; the right to testify  
17 herself; the right to contest the charges and allegations; the right to reconsideration, appeal,  
18 or any other type of formal judicial review of this matter; and any other rights which may be  
19 accorded Respondent pursuant to the Nevada Administrative Procedure Act Chapter 233B  
20 of NRS, Chapter 391 of NRS and NAC. Respondent voluntarily, knowingly, and intelligently  
21 agrees to waive the foregoing rights in return for the Board's acceptance of this Stipulated  
22 Acceptance of Voluntary Surrender.


23 15. Respondent understands this Stipulated Acceptance of Voluntary Surrender is  
24 considered disciplinary action and will become part of her licensee file. Respondent  
25 understands that this action is subject to the public records law and that the Board may be  
26 required to make this Stipulated Acceptance of Voluntary Surrender and related documents  
27 available for inspection. Respondent understands this Stipulated Acceptance of Voluntary  
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1 Surrender is considered disciplinary action and will be reported to any national repository,  
2 which records disciplinary action taken against licensees, or any agency or another state,  
3 which regulates educational personnel. Respondent understands that the Voluntary  
4 Surrender of her license is effective the day this Voluntary Surrender and Order is accepted  
5 by the Board.

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7 16. Respondent, by her signature below, agrees with the foregoing facts and  
8 representations, and therefore agrees, in good faith, to the voluntary surrender of her  
9 license.


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12 By:   
13 Candia Tolbert, Respondent  
14 2327 Soar Drive  
15 Sparks, Nevada 89441

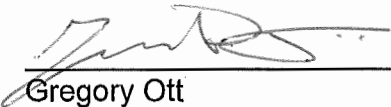
Nevada Department of Education

16  
17 By:   
18 Steve Canavero  
19 Superintendent of Public Instruction  
20 700 East Fifth Street  
21 Carson City, Nevada 89701

22 Approved as to form:

23 Approved as to form:  
24 ADAM PAUL LAXALT  
25 Nevada Attorney General

26  
27 By:   
28 Colleen Platt  
The Platt Law Group  
1575 Delucchi Lane, Suite 115  
Reno, NV 895102  
*Attorney for Respondent*

29 By:   
30 Gregory Ott  
31 Senior Deputy Attorney General  
32 Nevada Office of the Attorney  
33 General  
34 100 N. Carson Street  
35 Carson City, Nevada 89701

1 **ORDER**

2 Pursuant to the Parties Voluntary Surrender above and good cause showing:

3 IT IS SO ORDERED that:

4 1. Respondent's Nolo Contendere plea and conviction of the crime of Intentional  
5 Failure to Maintain Adequate Records, a gross misdemeanor, is evidence of unfitness for  
6 service and grounds for disciplinary action pursuant to NRS 391.330(2).  
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8 2. Respondents voluntarily surrender of her license is accepted. Respondent  
9 may not submit a new application for licensure on at any time prior to 5 years from the  
10 effective date of this Stipulated Acceptance of Voluntary Surrender.

11 Dated this day of 2017.

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13 By: Elaine Wynn, President  
14 State Board of Education  
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